IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 33758 of 2003(R)

PETITIONER:

1. V.S. SARACHANDRAN, ASSISTANT PROJECT ENGINEER, ENGINEERING DIVISION, NATIONAL TRANSPORTATION, PALANNING & RESEARCH CENTRE (NATPAC), SASTHRA BHAVAN, PATTOM, THIRUVANANTHAPURAM.

2. A.S. BAIJU, ASSISTANT PROJECT ENGINEER, TIS DIVISION, NATIONAL TRANSPORTATION, PALANNING & RESEARCH CENTRE (NATPAC), SASTHRA BHAVAN, PATTOM, THIRUVANANTHAPURAM.

3. AJITH VIJAYAN, ASSISTANT PROJECT ENGINEER, NATIONAL TRANSPORTATION, PLANNING & RESEARCH CENTRE (NATPAC), SASTHRA BHAVAN, PATTOM, THIRUVANANTHAPURAM.

BY ADV. SRI.P.SANTHOSH KUMAR (PANAMPALLI NAGAR)
SRI.S.VENGAPPAN ACHARI

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR, NATIONAL TRANSPORTATION PLANNING & RESEARCH CENTRE, (NATPAC), SASTHRA BHAVAN, PATTOM, THIRUVANANTHAPURAM.

3. THE REGISTRAR, NATIONAL TRANSPORTATION PLANNING & RESEARCH CENTRE, (NATPAC), SASTHRA BHAVAN, PATTOM, THIRUVANANTHAPURAM.

BY ADV. SRI.R.KRISHNARAJ, SC, NATPAC
GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 2112/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 33758/2003

**APPENDIX**

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE STATEMENT REGARDING THE PROJECT WORKS DONE BY THE 1ST RESPONDENT FROM 1999 ONWARDS DATED NIL.

EXT.P2 COPY OF THE BIO-DATA OF 1ST PETITIONER DATED NIL.

EXT.P3 COPY OF THE BIO-DATA IN RESPECT OF THE 2ND PETITIONER DATED 06/09/2003.

EXT.P4 COPY OF THE BIO-DATA IN RESPECT OF THE 3RD PETITIONER DATED 06/09/2003.

EXT.P5 COPY OF THE OFFICE ORDER OF THE REGISTRAR, NATPAC NO. NATPAC/GA1/6679/96 DATED 27/02/1996.

EXT.P6 COPY OF THE NOTIFICATION ISSUED BY THE 2ND RESPONDENT DATED 26/06/2003.

EXT.P7 COPY OF THE COMMUNICATION RECEIVED BY THE PETITIONER FROM THE OFFICE OF THE CHIEF MINISTER OF KERALA NO. 813/PRL..SY/03/CM DATED 25/07/2003.

EXT.P8 COPY OF THE ADVT. PUBLISHED IN MALAYALA MANORAMA DAILY DATED 30/08/2006.

EXT.P9 COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND PETITIONER TO THE 2ND RESPONDENT DATED 08/08/2006.

EXT.P10 COPY OF THE REPRESENTATION SUBMITTED BY THE 3RD PETITIONER TO THE 2ND RESPONDENT DATED 08/08/2006.

EXT.P11 COPY OF THE EXTRACT OF RULE 6.3 OF THE RECRUITMENT & ASSESSMENT PROMOTION OF SCIENTISTS GROUP IV IN CSIR PATTERN - RELEVANT PORTION.

// TRUE COPY //

PA TO JUDGE.

jg

**S. SIRI JAGAN, J.**

**W.P. (C) No. 33758 OF 2003 R**

**Dated this the 21st day of December, 2006**

**J U D G M E N T**

The petitioners are contract employees working under the 1st respondent. Their contract periods are being extended by the 1st respondent from time to time on termination of the earlier period of contract. Petitioners are now aggrieved by Ext.P6 notification inviting applications for appointment as a Research Officer as also Ext.P7 communication issued to the 3rd petitioner stating that if the petitioners are eligible they can also apply for the post and they would be considered for the post. The petitioners also challenge the qualification prescribed in Ext.P6 as unreasonable. The petitioners have filed this writ petition for the following reliefs:

> *(i) issue a writ of mandamus, or any other appropriate writ, order or any other appropriate writ, order or direction, declaring that the petitioners are entitled for regularisation in the service of the 2nd respondent in the category or in any other suitable category from the date of their initial employment;*
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> *(ii) issue a writ of mandamus, or any other appropriate writ, order or direction declaring that the petitioners are entitled for consideration to the post of Research Officers pursuant to the notification evidenced by Ext.P6 and the direction contained in Ext.P7.*

2. Admittedly, the petitioners have not been appointed on any regular basis that to after undergoing any selection process. That being so, as laid down in the decision of the Supreme Court in ***Secretary, State of Karnataka Vs. Umadevi*** reported in 2006 (4) SCC 1, the petitioners are not entitled to regularisation in service. As far as Exts.P6 and P7 are concerned, it is for the authority concerned to fix qualifications for the post commensurate with the duties and functions attached to the post. Therefore, I am not inclined to interfere with the same. In the above circumstances, I do not find any merit in the contention of the petitioners and the same is dismissed.

**(S. SIRI JAGAN, JUDGE)**

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